

From: jose chua
To: Microsoft ATR
Date: 1/23/02 7:21am
Subject: Microsoft Settlement

Dear Sir or Madam:

As a software engineer, the proposed settlement will greatly affect my livelihood. As an American citizen, the proposed settlement will greatly affect my way of life, as it sets the tone for doing business in the new millennium. In its current state, the proposed settlement does not adequately address Microsoft's illegal actions.

There are several loopholes. The definition of "Windows Operating System Product" (definition U) excludes other Microsoft Windows Operating Systems such as Windows XP Tablet Edition, Windows CE, and PocketPC. These products are derived or are the progeny of the Windows codebase, and should be included. Also, any future upgrades, service packs and fixes should be part of the definition.

In Section III.A.2., no provision is made for a Personal Computer that ships with a non-Microsoft Operating System but no Windows Operating System. As it stands, protection for OEMs is provided only if an OEM continues to bundle Microsoft products.

In Section III.D., Microsoft is required to provide API documentation to ISVs at the time of the final beta test. This timeframe is not sufficient for ISVs to adapt their products to fit the requirements specified in Section III.H.3., which states that competing middleware can be locked out if it fails to meet requirements seven months before the final beta test.

The proposed settlement is largely insufficient and does not serve the public interest. Please consider this a vote against the proposed settlement.

Sincerely,

Jose B. Chua
2530 Poplar Street
Union, New Jersey 07083